

### **REMARKS**

Claims 19, 27-32 and 41-43 are amended. Claims 1-18, 21, 39 and 40 were previously canceled. No further claims have been canceled. No new claims have been added. Accordingly, claims 19, 20, 22-38 and 41-43 remain under prosecution in this application.

#### **I. Formal Matters.**

1. Applicant kindly thanks Examiner Burch for considering proposed amendments to Claim 19 and conducting the conference call with the Applicant's representative, Timothy M. Bogel, registration number 49,048, on March 15, 2004.

2. Because the amendments filed on 1/14/2004 were not entered, Applicant has re-presented the amendments to the Claims as indicated above starting at page 2 of this paper. Claims 28-32, 41, 42, and 43 were objected to in the 10/17/2003 Final Office Action. Applicant has amended the Claims, where needed, to overcome the objection. Withdrawal of the objections are respectfully requested.

#### **II. The Claims Define Patentable Subject Matter.**

1. Claims 19, 20, 22-38, and 41-43 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Prior to the after-final amendment filed on 1/14/04, the last limitation of Claim 19 recited "*wherein the first leg portion of the spring assembly is supported on the first brake pad in a circumferential direction between two actuating device[s].*" The Final Office Action, dated 10/17/03, rejected the above-referenced limitation under §112, second paragraph, because the "two actuating devices" was indefinite (see: page 4, lines 3-5 of the 10/17/03 Final Office Action). In response to the 10/17/03 Final Office Action, Applicant amended the above-referenced limitation to recite "*wherein the first leg portion of the spring assembly is supported on the first brake pad in a circumferential direction by said ~~between two~~ actuating device[s].*" However, the Advisory Action indicated that although the amendment overcame the §112, second paragraph, rejection, the amendment would not be entered because the amendment materially reduced or simplified issues for appeal and required new issues for search.

In view of the March 15, 2004 conference call, Applicant respectfully submits that the present amendment to Claim 19, which now recites "*wherein the first leg portion of the spring assembly is supported on the first brake pad in a circumferential direction ~~between~~ traversing a central plane of the at least one ~~two~~ actuating device[s]*," overcomes the rejection under §112, second paragraph, by clearly indicating that the invention claims "at least one actuation device" (see: [0017], lines 4-5 of the substitute specification). The "traversing a central plane of the at least one actuating device" limitation is taken from the substitute specification starting at line 13 in paragraph [0019], which discloses, "*For symmetrical spring load on the brake pad 5, it is advisable to arrange the spring assembly with respect to the circumferential direction 9 of the brake disc substantially in the central plane 10 or symmetry of the brake housing 3, that means, between the two actuating devices 4.*"

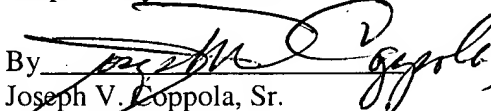
Because Claims 19, 20, 22-38, and 41-43 were only rejected under 35 U.S.C. §112, second paragraph, Applicant respectfully submits the amendments places the claims in allowable form.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 64098-0878 from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

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